

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON SMART,

Plaintiff,

V.

NAVRROW, *et al.*,

Defendants.

| Case No. 1:20-cv-00144-JDP

FINDINGS AND RECOMMENDATIONS THAT THIS CASE BE DISMISSED FOR FAILURE TO PROSECUTE, FAILURE TO STATE A CLAIM, AND FAILURE TO COMPLY WITH A COURT ORDER

OBJECTIONS DUE IN THIRTY DAYS

ORDER THAT THE CLERK'S OFFICE
ASSIGN THIS CASE TO A DISTRICT
JUDGE

Plaintiff Aaron Smart is a state prisoner proceeding without counsel in this action.

Plaintiff's original submission was construed as a complaint screened on April 9, 2020. The court found that plaintiff failed to state a claim—his submission contained only a few sentences of ambiguous allegations—and plaintiff was ordered to file a first amended complaint within sixty days. ECF No. 14. Plaintiff did not do so. On June 22, 2020, we ordered that plaintiff show cause within 45 days why his case should not be dismissed for failure to state a claim, failure to prosecute, and failure to comply with a court order. ECF No. 15. Plaintiff has not responded. We thus recommend that plaintiff's case be dismissed.

To manage our docket effectively, we impose deadlines and require litigants to meet those deadlines. When a plaintiff fails to comply with court-imposed deadlines, the court may dismiss the plaintiff's case for failure to prosecute. *See Fed. R. Civ. P. 41; Hells Canyon Pres.*

1 *Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (“[T]he consensus among our
2 sister circuits, with which we agree, is that courts may dismiss under Rule 41(b) sua sponte, at
3 least under certain circumstances.”). Involuntary dismissal is a harsh penalty, but the court has
4 a duty to administer justice expeditiously and avoid needless burden for the parties. *See*
5 *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

6 This recommendation will be submitted to a U.S. district judge presiding over the case
7 under 28 U.S.C. § 636(b)(1)(B) and Local Rule 304. Within 30 days of the service of the
8 findings and recommendations, the parties may file written objections to the findings and
9 recommendations with the court and serve a copy on all parties. That document must be
10 captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The presiding
11 district judge will then review the findings and recommendations under 28 U.S.C.
12 § 636(b)(1)(C).

13 **ORDER**

14 The clerk’s official shall assign this case to a district judge to review the above
15 recommendation.

16 IT IS SO ORDERED.
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18 Dated: August 10, 2020

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20 UNITED STATES MAGISTRATE JUDGE

21 No. 205.
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